

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, May 21, 2002, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

CYNTHIA P. COAD
CHAIR
Fourth District

THOMAS W. WILSON
VICE CHAIR
Fifth District

CHARLES V. SMITH
SUPERVISOR
First District

JAMES W. SILVA
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: Supervisors: Coad, Smith, Spitzer and Wilson

EXCUSED: Supervisor: Silva

PRESENT: COUNTY EXECUTIVE OFFICER Michael Schumacher
 COUNTY COUNSEL Benjamin P. de Mayo
 CLERK OF THE BOARD Susan Novak, Assistant

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Wilson, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Spitzer presented certificates to John Wayne Airport Student Art Contest participants

Chair Coad presented a resolution proclaiming "Nurse Recognition Day"

Chair Coad presented a resolution proclaiming May 19-25, 2002 as "Emergency Medical Services Week"

Chair Coad presented a resolution celebrating "Western Medical Center-Santa Ana, Centennial Anniversary"

Chair Coad presented resolutions to members of the Neighborhood Enhancement Team (NET) for their participation in We Give Thanks and receiving the 2002 Acts of Caring Award

Chair Coad presented a resolution proclaiming September 2002 as "Child Awareness Month"

James F. McConnell, Washington, D.C. Legislative Advocate, provided a legislative update

S U M M A R Y A C T I O N M I N U T E S

II. CONSENT CALENDAR (Items 1-38)

31254 APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 27 WHICH WAS
X CONTINUED TO 6/4/02, 9:30 A.M.; ITEMS 18, 30, 31 AND 33 WHICH WERE PULLED FOR
DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

1. **Supervisor Wilson** - Veterans Advisory Council - Appoint Joe Rainey, Laguna Woods, to complete term ending 1/4/04

COMMENDATIONS/PROCLAMATIONS

2. **Chair Coad** - Adopt resolution proclaiming June 2002 as "Drowning Prevention and Awareness Month"
RESO: 02-137

HEALTH CARE AGENCY

3. Approve delegation of authority to HCA to issue letter agreements with local education agencies for occupational and physical therapy services to California Children Services clients (not to exceed \$10,000 per occurrence) - All Districts

HOUSING AND COMMUNITY DEVELOPMENT

4. Approve revised standardized agreements for various U.S. Department of Housing and Urban Development housing program projects, effective FY 2002-03; and authorize Director or designee to execute individual agreements with subrecipients and amended prior year projects All Districts
5. Approve issuance of request for qualifications/proposals for nonprofit organization to operate, maintain and obtain ownership of El Modena Family Shelter, El Modena area; return to Board for selection of organization; and authorize Department and CEO Real Estate to negotiate disposition agreement for Board approval - District 3
6. **Acting as the Orange County Housing Authority** - Approve refinance of existing loan to Helping Our Mentally Ill Experience Success; and authorize Director or designee to prepare and execute standard loan agreements and other related documents - District 3

INTEGRATED WASTE MANAGEMENT DEPARTMENT

7. Approve price agreement N1000004335 with All American Asphalt for rental of asphalt paving equipment with operator option, 7/1/02 - 6/30/03 (\$31,000); renewable for two additional years - All Districts
8. Approve license agreement with Calvary Chapel of the Canyons for rent-free use of property to conduct household hazardous waste collection event, Silverado area, 5/31/02 - 6/3/02; and make California Environmental Quality Act findings - District 3

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ORANGE COUNTY PUBLIC LIBRARY

9. Approve amendment 3 to lease agreement with Tustin for removal of parking and landscape areas, Tustin Branch Library; and make California Environmental Quality Act and other findings - District 3

PLANNING AND DEVELOPMENT SERVICES

10. Approve Tract 16250, Richmond American Homes of California, Inc., Ladera Ranch area; accept dedication for street purposes; accept easements for storm drain, emergency access and public utility purposes; and approve agreement S0302-0082 and accept bonds guaranteeing construction of improvements - District 5
11. Approve Tract 16247, Richmond American Homes of California, Inc., Ladera Ranch area; accept dedication for street purposes; accept easements for storm drain and public utility purposes; and approve agreement S0302-0081 and accept bonds guaranteeing construction of improvements - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

12. Approve electrical utility permit with San Diego Gas and Electric Company for electrical service to the Ocean Institute and adjacent property, Dana Point Harbor - District 5 (Continued from 4/23/02, Item 18)
13. Approve agreement D02-038 with PSOMAS for on-call water quality professional services (\$200,000) - All Districts
14. Approve agreement with United States Geological Survey for operation and maintenance of streamgauging stations, Agua Chinon and Marshburn Channels, Irvine, 7/1/02 - 10/31/02 (\$10,720); and authorize Director to execute future annual agreements under certain conditions - District 3
15. Authorize release of security for monumentation, Tract 14911, Shea Homes Limited Partnership, Aliso Viejo - District 5
16. Approve amended purchase order PC 400 P0100010898 with Environmental Engineering and Contracting, Inc. for upgrading the National Pollutant Discharge Elimination System database (\$20,000; new total \$60,000) - All Districts
17. Adopt resolution vacating recreation easements; and accepting replacement easement from Serrano Jack, L.L.C. for riding and hiking trail purposes, Lake Forest; and make California Environmental Quality Act and other findings - District 5
RESO: 02-138
18. Adopt Revised Mitigated Negative Declaration IP 01-145 as adequate for construction of J01P28BMP Aliso Creek Interim Water Quality Treatment System; approve agreement D02-001 with Aliso Viejo Community Association for utility easement and direct staff to return to the Board for approval of plans and specifications and contract with Clear Creek Systems, Inc. for project construction - District 5

53124 **APPROVED AS RECOMMENDED**

X

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PUBLIC PROTECTION

19. **District Attorney** - Approve interim price agreement S1000000260 with Long Beach Genetics for genetic testing for disputed parentage, court testimony and related services for applicants of child support services, term ending 6/30/02 (\$150,000) - All Districts

Sheriff-Coroner:

20. Approve agreements with Mendocino and San Luis Obispo Counties for transfer of surplus bomb disposal suits - All Districts
21. Approve amended price agreement L1000000003 with Tee Dee Company for welding and metal fabrication services at various facilities, term ending 9/30/02 (\$60,000; new total \$160,000) - All Districts
22. Approve amended price agreement N3000002614 with Matrix Imaging Products LLC for software license and upgrades, term ending 3/14/03 (\$19,553; new total \$39,787) - All Districts
23. Receive bids and award contract to Security Zone, Inc. for installation of closed circuit television surveillance system, Brad Gates Forensic Science Center, Santa Ana (\$93,391) - District 1

GENERAL ADMINISTRATION

24. **Auditor-Controller** - Set 6/18/02 as date to establish appropriation limits for entities governed by County Board of Supervisors for FY 2002-03 (document available for public review in the office of the Auditor-Controller, commencing 6/3/02) - All Districts

County Executive Office:

25. Approve standard form agreement for exhibit space, 2002 Orange County Fair; and authorize Agency/Department Heads to execute individual agreements - All Districts
26. Approve temporary eight day license with Veterans Service Office and Orange County Veterans Advisory Council to present "Marching Through History Exposition" at County Operations Center, Santa Ana - District 1
27. Receive and file District Attorney Charitable Organization Income/Expenses Report for year 2001 and 2002 Report of no planned charitable activities - All Districts
- 31254
X **CONTINUED TO 6/4/02, 9:30 A.M.**
28. Adopt resolution approving agreement with Orange County Employees Retirement Incentive for Early Retirement Incentive Program for eligible employees in specific job classifications for Housing and Community Development Department and Health Care Agency - All Districts
RESO: 02-139
29. Receive and File actuarial study of the Orange County Employees Retirement System and return to the Board of Supervisors on June 4, 2002, 9:30 a.m., to consider increased retirement benefits for Probation Safety members – All Districts

Treasurer-Tax Collector:

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30 . Authorize Treasurer to execute agreement accepting deposits from local agencies into the County Treasury, 5/22/02 - 8/31/02, and approve temporary waivers to Board policy on participation by outside agencies - All Districts

34125 APPROVED AS AMENDED TO ADD RECOMMENDED ACTION 1 (c) DIRECTING
X RESOLUTION AND AGREEMENT BE MODIFIED TO REFLECT LIMITED TERM
OF 5/22/02 - 8/31/02

31 . Approve agreement with Tustin to deposit funds into the County Treasury for purpose of investment - All Districts

34125 APPROVED AS RECOMMENDED
X

32 . **Supervisor Smith** - Authorize new Aircraft Rescue and Fire Fighting station be dedicated in the name of David W. Prebish

Supervisor Spitzer:

33 . Approve Community Social Program Grant Funds to Orange County Fire Authority Firefighter Memorial Fund; approve budget adjustments; and make appropriate findings (\$25,000)

34125 APPROVED AS RECOMMENDED
X

34 . Approve Community Social Program Grant Funds to Irvine Valley College Foundation; approve budget adjustments; and make appropriate findings (\$3,500)

35 . Approve Community Social Program Grant Funds to American Diabetes Foundation; approve budget adjustments; and make appropriate findings (\$1,000)

Supervisor Wilson:

36 . Approve Community Social Program Grant funds to Trails4All; approve budget adjustments; and make appropriate findings, 5/21/02 - 10/31/02 (\$6,000)

37 . Approve Community Social Program Grant funds to The Sand Dollar Guild; approve budget adjustments; and make appropriate findings, 5/21/02 - 10/31/02 (\$5,000)

EXTERNAL RESTRUCTURING PROGRAM FOR THE COUNTY OF ORANGE

38 . Receive and file the External Restructuring Program Report for the County of Orange

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 39-S53B)

COMMUNITY SERVICES AGENCY

39. Approve agreements with Goodwill Industries of Orange County (\$399,375) and Arbor, Inc. (\$254,070) to provide specialized services to dislocated workers, 5/22/02 - 6/30/03 - All Districts

51234 **APPROVED AS RECOMMENDED**

X

HEALTH CARE AGENCY

40. Approve amendment 2 to agreement with PacifiCare Behavioral Health of California for Administrative Services Organization for specialty mental health outpatient services (\$897,366; new total \$4,277,186) - All Districts

15234 **APPROVED AS RECOMMENDED**

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HOUSING AND COMMUNITY DEVELOPMENT

41. Approve issuance of request for qualifications/proposals for development, construction and operation of affordable housing project, Westminster; authorize negotiation of disposition and development agreement for Board approval; and authorize Department and CEO Public Finance and Real Estate to negotiate related actions - District 1

15234 **APPROVED AS RECOMMENDED**

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42. **Acting as the Board of Supervisors and Orange County Development Agency** - Approve amended Phase I (\$329,793; new total \$2,953,438) and Phase II (\$200,000; new total \$728,176) loans to Jamboree Housing Corporation for Mendocino at Talega Apartments, San Clemente area; approve subordination of Phase I and II loans to new permanent first deed of trust (\$4,800,000 and \$3,000,000 respectively), State Multi-Family housing loan (\$4,500,000 and \$3,300,000 respectively) and Federal Home Bank Loan (\$837,000, Phase I); and adopt resolutions authorizing Director to execute related documents and making appropriate findings - District 5

51234 **APPROVED AS RECOMMENDED**

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RESO: 02-140 - 02-141

INTEGRATED WASTE MANAGEMENT DEPARTMENT

43. Select Regional Landfill Options for Orange County Strategic Plan as preferred alternative for planning and feasibility study; direct department to prepare environmental impact report; and approve amended agreement with Bryan A. Stirrat & Associates to prepare long-range strategic plan, effective 3/2/02 (\$200,000; new total \$2,550,000) - All Districts

51234 **APPROVED AS RECOMMENDED**

X

JOHN WAYNE AIRPORT

44. Approve Airport Improvement Plan grant agreement 3-06-0233-29 with Federal Aviation Administration for additional security requirements (\$701,258); and make California Environmental Quality Act findings - District 2

53124 **APPROVED AS RECOMMENDED**

X

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PUBLIC FACILITIES AND RESOURCES DEPARTMENT

45. Approve agreement with Parking Concepts, Inc. for operation and management of Civic Center Pay Parking facilities, 6/1/02 - 5/31/03; renewable for four additional years - District 1

B.O. CONTINUED TO 6/4/02, 9:30 A.M.

46. Select TRG & Associates as primary and David Evans & Associates, Inc. as alternate firms for assistance with implementation of stormwater public and business education program; and authorize negotiation of agreement for Board approval - All Districts

B.O. CONTINUED TO 6/4/02, 9:30 A.M.

SOCIAL SERVICES AGENCY

47. Approve price agreements N1000004358 with New Horizons Computer Learning, N1000004366 with Intratek Computers Inc., N1000004367 with CompUSA and N1000004370 with Soft-Train Inc. for personal computer application and technical training, 6/1/02 - 11/30/02 (\$342,405); renewable for two and a half additional years (\$684,810 per year) - All Districts

14235 APPROVED AS RECOMMENDED
X

PUBLIC PROTECTION

48. **Probation** - Approve price agreement N3000002756 with BI Incorporated for lease of equipment/hardware and off-site centralized monitoring services for Juvenile Offender Supervised Electronic Confinement Program, 6/1/02 - 5/31/03 (\$140,000); renewable for two additional years - All Districts

51234 APPROVED AS RECOMMENDED
X

GENERAL ADMINISTRATION

County Executive Office:

49. Approve agreement 02-004DE with Harris & Associates, Inc. for engineering services for Community Facilities and Assessment Districts formation, 4/1/02 - 3/31/04 (\$100,000 per year); renewable for two additional years - All Districts

14235 APPROVED AS RECOMMENDED
X

50. Approve price agreement N10000004417 with Affiliated Computer Services State and Local Solutions for maintenance of Foundry equipment, 6/1/02 - 5/31/05 (\$598,032); renewable for three additional years (\$1,196,064) - All Districts

31254 APPROVED AS RECOMMENDED
X

51. **Registration/Elections** - Approve change of Department name from Registration and Elections to Registrar of Voters - All Districts

B.O. CONTINUED TO 12/3/02, 9:30 A.M.

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52. **Treasurer-Tax Collector** - Adopt resolution authorizing issuance and sale of Anaheim Union High School District General Obligation Bonds, Election of 2002, Series A; and approve related documents (\$100,000,000) - Districts 2, 3 & 4

34125 **APPROVED AS RECOMMENDED**

X

RESO: 02-142

53. **Supervisor Wilson and County Executive Office** - Authorize Director, PF&RD to issuance requests for qualifications to prepare a site master plan and design a new South County Courthouse and return to the Board for selection; and direct CEO to return to the Board with update of the Status of SB 1732 for further direction regarding approval of the proposed South County Courthouse project - District 5

53124 **APPROVED AS RECOMMENDED**

X

Chair Coad:

- S53A. Adopt resolution proclaiming September 2002 as " Child Awareness Month"

45123 **APPROVED AS RECOMMENDED**

X

RESO: 02-143

- S53B. Adopt resolution proclaiming June 1 - September 20, 2002 for Orange County Fire Ant Authority as "Fire Ant Awareness 2002"

14235 **APPROVED AS RECOMMENDED**

X

RESO: 02-144

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-3)

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: In the Matter of the 1995 John Paul Fawcett and Lila Dorothy Fawcett Revocable Trust Dated December 26, 1995, LASC (South District) Case No. NP008379

B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SILVA BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF THE 1995 JOHN PAUL FAWCETT AND LILA DOROTHY FAWCETT REVOCABLE TRUST. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD TO ANY PERSON WHO INQUIRES.**

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- CS-2. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors threatened litigation pursuant to Government Code Section 54956.9(b)(1); one case. The facts and circumstances relating to this matter are the Notice of Violation No. P35204 issued by the South Coast Air Quality Management District (AQMD), and the offer from AQMD to settle this matter.
- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SILVA BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF NOTICE OF VIOLATION P35204 ISSUED BY SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD TO ANY PERSON WHO INQUIRES.**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: (All Districts): County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: Nolan v. County of Orange, Court of Appeal Case No. G026919, OCSC Case No. 797677
- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SILVA BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF NOLAN V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD TO ANY PERSON WHO INQUIRES.**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

John Merzweiler - Oral Re: Visit to One Stop Employment Agency and his inability to use resources

BOARD COMMENTS:

None

ADJOURNED: 12:35 P.M.

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*** KEY ***

Left Margin Notes

- 1. ✓ Supervisor Smith
- 2. ✓ Supervisor Silva
- 3. ✓ Supervisor Spitzer
- 4. ✓ Chair Coad
- 5. ✓ Supervisor Wilson

Right Margin Notes

- A. ✓ Abstained
- X. ✓ Excused
- N. ✓ No
- BO ✓ Board Order
- O. ✓ Ordinance
- R. ✓ Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

CYNTHIA P. COAD, CHAIR
Orange County Board of Supervisors

SUSAN NOVAK, ASSISTANT
Orange County Clerk of the Board